

Administrative Public Records Requests Policy and Procedures

I. POLICY STATEMENT:

The Court/Judicial Agency shall respond promptly to all administrative records requests.

This shall be done in accordance with both the letter and the spirit of the General Rule 31.1 (GR 31.1 Access to Administrative Records) and case law related to the disclosure of administrative judicial records.

A. Overview

This policy sets forth the process by which the judicial branch handles administrative records requests. Information for members of the public interested in filing a request for administrative records is contained in GR 31.1 and the public policy contained at www.courts.wa.gov.

B. Staffing of Administrative Records Requests

Each court or judicial agency shall have a designated public records officer and, if possible, one backup that is responsible for processing all administrative record requests for the court or judicial agency. A court's Public Records Officer shall report to the Presiding Judge or the Presiding Judge's designate. The judicial agency's Public Records Officer should report to the agency's Director or the Director's designate.

C. Processing of Records Requests

1. Distribution of Requests and Preservation of Records

The public records officer will determine which employees may have records responsive to the request and email the text of the request, or a summary, to the appropriate staff, setting a time for response and ensure that any records potentially responsive to the request will not be destroyed pending the processing of the request.

2. Searching for Responsive Documents

Each employee contacted shall either (1) indicate that he or she has no responsive documents; (2) indicate that he or she has responsive documents and provide them; (3) specify a reasonable time within which he or she can search for the records and provide a more thorough response; or (4) describe how the request should be clarified. If the employee has responsive documents, he or she should provide them to the Public Records Officer, and, if documents are exempt (or may be exempt) from public disclosure, provide a summary of why the documents are or may be exempt, with specific reference to the provision of GR 31.1, state or federal law that is the basis for the exemption. In the event it is difficult to produce copies of the responsive documents, either because of their size or format or because they are numerous, the employee should contact the Public Records Officer to determine whether there are options to producing copies. The Public Records Officer shall ensure that records of former staff members also are searched for requested information.

The staff shall assemble the individual responses and provide a consolidated response to Public Records Officer. If applicable, the Public Records Officer shall also ensure that records of former staff members were searched for the requested information.

3. Providing Response to the Requestor

The Public Records Officer shall respond to the requestor within five business days after receiving the request by: (1) providing responsive documents along with a statement of why any documents are exempt from disclosure; (2) providing a date by which responsive documents will be provided; or (3) requesting clarification of the request. The Public Records Officer will make every effort to work with the requestor to clarify the request and to provide responsive documents. Upon request, the Public Records Officer will provide a copy of any public records responses to the organizational unit that participated in providing documents, noting if a protective order precludes disclosure of any documents.

4. Protective Orders

If any employee becomes aware of a court order that limits the disclosure of any administrative records, he or she should communicate the substance of such order, and provide a copy of the order to the Public Records Officer. Likewise, if the Public Records Officer is aware of any court order requiring the disclosure, nondisclosure, or preservation of any administrative records the Public Records Officer will notify the staff in possession of the requested information.

5. Requests Received by Division Employees

On occasion a requestor may direct a request for identifiable documents to a specific employee, court, or judicial agency. In the event that an employee receives a public records request, the employee shall indicate to the requestor that they are not the designated person to receive public records requests. Employees should direct requestors to submit their request to the designated Public Records Officer, provide the contact information for the Public Records Officer to the requestor, and alert the Public Records Officer to expect a records request.

6. Electronic Records

The Public Records Officer will work with the requestor to determine the appropriate format for providing responsive records. If records are requested with metadata intact, the Public Records Officer will work with the appropriate Information Technology Department (IT) to provide records in native format to the extent possible. If the request is for records that can best be provided through customized access to electronic records, the Public Records Officer shall work with the necessary staff that have responsive documents to determine the appropriate means of response.

7. Tracking Public Records Requests

The Public Records Officer shall track public records requests and their related communications with requestors by logging all requests, responses, exemptions, and other communication regarding the requests.

II. RESPONSIBILITIES:

- A. **All courts and judicial agencies** must make every effort to comply with the letter and spirit of GR 31.1 and respond by the due date as provided by the Public Records Officer.
- B. **The Public Records Officer** shall coordinate the overall public records process, work with requestors to clarify requests, forward requests to judicial officers, judicial staff, or judicial agency employees, provide timely responses to requestors, and track all requests, exemptions, and responses.
- C. **Court or judicial branch staff** shall promptly forward administrative records requests received from the Public Records Officer to appropriate staff members, ensure that those staff members make a diligent search for responsive records in a timely manner, ensure that requested records are not destroyed pending any request for them, and timely provide division responses to the Public Records Officer.
- D. **The Court or Judicial Agency's Information Services Division** shall work with the Public Records Officer in responding to requests for electronic records and assist in providing customized access to electronic records where appropriate.